

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, :
 :
 PLAINTIFF, :
 :
 v. : CIVIL ACTION NO.
 : 2:05cv1136-T
 ONE ISRAEL MILITARY INDUSTRIES:
 DESERT EAGLE, .40 CALIBER :
 HANDGUN, SERIAL NO 32314915; :
 and, :
 EIGHTEEN (18) ROUNDS OF :
 ASSORTED .40 CALIBER :
 AMMUNITION :
 :
 DEFENDANTS. :

WARRANT AND SUMMONS FOR ARREST IN REM

TO: THE BUREAU OF ALCOHOL TOBACCO, FIREARMS AND EXPLOSIVES.

WHEREAS, a Verified Complaint for Forfeiture In Rem has been filed in the United States District Court for the Middle District of Alabama alleging that the Defendant firearm and ammunition ("Defendants") were possession of a person in relation to a drug trafficking crime in violation of Title 18, United States Code, Section 924(c) and are subject to forfeiture to the United States under Title 18, United States Code, Section 924(d)(1);

And, the Court being satisfied that based on the Verified Complaint for Forfeiture In Rem there is probable cause to believe that the Defendants so described were so used or intended for such use, and that grounds for application for issuance of a warrant exist, title having vested in the United States of America by operation of law;

YOU ARE THEREFORE HEREBY COMMANDED to arrest and seize the Defendants, which are described as::

- a. One Each Israel Military Industries, Desert Eagle, .40 Caliber Handgun, Serial No. 32314915); and,
- b. Eighteen (18) Rounds of Assorted .40 Caliber Ammunition.

and detain the same in your custody until further Order of this Court;

YOU ARE FURTHER COMMANDED TO PUBLISH in the Montgomery Independent notice to all persons of this action and the procedures to be followed for making a claim as described in this warrant; You are further authorized in the exercise of your discretion to publish such notice in additional newspapers as you deem necessary.

IT IS FURTHER ORDERED that you shall serve upon all persons known or thought to have an interest in or right against the Defendants a copy of this warrant and summons and the verified complaint in rem in a manner consistent with the principles of service of process of an action in rem under the Supplemental Rules For Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure; and,

All persons claiming an interest in the Defendant(s) shall file their claim(s) within thirty (30) days after the date of service of the Complaint or, as applicable, not later than thirty (30) days after the date of final publishing of notice of the filing of the Complaint, whichever occurs first, pursuant to Title

18, *United States Code*, Section 983(a)(4)(A) and shall serve and file their answer(s) within twenty (20) days after the filing of the claim(s) with the Office of the Clerk, United States District Court, Middle District of Alabama, Montgomery, Alabama, with a copy thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
(334) 223-7280.

Additional procedures and regulations regarding this forfeiture action are found at Title 19, *United States Code*, Sections 1602-1619, and Title 21, *Code of Federal Regulations* (C.F.R.) §§ 1316.71-1316.81. All persons and entities who have an interest in the Defendants may, in addition to filing a claim or in lieu of the filing of a claim, submit a Petition for Remission or Mitigation of the forfeiture for a non-judicial determination of this action pursuant to 28 C.F.R. Part 9.

Done this the 27th day of December, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE